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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,274	12/09/2003	Jesse G. James	48-1009	2546

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EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,274

Applicant(s)

JAMES, JESSE G.

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status.

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 13, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 11, 13, 14 is withdrawn in view of the newly discovered reference(s) to Christensen. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11, 13, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen (6,808,298).
4. Christensen discloses a headlight housing including a lens (10), a mounting assembly for mounting said headlight housing to a motorcycle frame (col. 2 lines 17-25), and adjustment means for adjusting the headlight housing with respect to the motorcycle frame after assembly thereto (5, 11), and including for pivotally moving said

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mounting assembly (col. 2 lines 48-52) and including means for lengthening and shortening said mounting assembly (5,11).

Allowable Subject Matter

5. Claims 1-10 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not disclose individually or in combination the following combination of elements:

- As recited in claim 1, the elements comprising: a headlight housing having a lens on a forward side thereof, and an integral boss incorporating a socket; a mating ball provided at one end of a ball shaft, the other end of said ball shaft adapted to be rigidly affixed to a motorcycle frame, wherein said ball and said socket are matingly engaged to provide a ball and socket joint structure enabling rotational and translational movement of said ball and said socket relative to one another; and a positioning arm having one end attached to said headlight housing via a retaining boss integrally provided on said housing, and an opposite end adapted to be rotatably attached to the motorcycle frame, said positioning arm being adjustable lengthwise and movable both rotationally and translationally relative to said retaining boss.
- With regards to claim 5 the elements comprising: a headlight housing; and a three point mounting assembly integrated to a rear side of said headlight

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housing, including a ball provided at a free end of said mounting shaft, said ball matingly received in a mating socket formed in a portion of said headlight, wherein said adjustment mechanism enables movable adjustment of said headlight relative to said mounting shaft; and a pair of extendable and rotatable positioning arms each attached to said headlight at one end and adapted to be rotatably attached to the frame at another end.

- With regards to claim 6, although Jones (5,426,571) teaches a ball and socket connected to the headlight housing, sufficient motivation could not be found to combine the teaching of Jones's ball and socket connection means with Christensen's extendable headlight because structurally the ball and socket means as taught by Jones would be incompatible with the lengthening and retractable device holding the headlamp of Christensen since the ball and socket connection means of Jones connects directly to the frame of the motorcycle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT


Y. MY QUACH-LEE
PRIMARY EXAMINER